

Coast Guard, DHS

§ 38.01-2

**PART 38—LIQUEFIED FLAMMABLE GASES**

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AUTHORITY: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5101, 5106; E.O. 12234, 45 FR 58801, 3

CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGFR 66-33, 31 FR 15269, Dec. 6, 1966, unless otherwise noted.

**Subpart 38.01—General**

**§ 38.01-1 Scope of regulations—TB/ALL.**

(a) The regulations in this part contain requirements for the transportation of liquefied or compressed gases, whose primary hazard is one of flammability.

(b) The transportation *on deck* of liquefied flammable gases in portable cylinders and tanks and the transportation of empty cylinders and portable tanks previously used shall be in accordance with the requirements of 49 CFR parts 171-179. The transportation of such containers *under deck* shall be in accordance with the requirements of § 38.01-2.

[CGFR 66-33, 31 FR 15269, Dec. 6, 1966, as amended by CGD 86-033, 53 FR 36024, Sept. 16, 1988]

**§ 38.01-2 Transportation of portable cylinders or portable tanks containing or having previously contained liquefied flammable gases in dry cargo spaces—TB/ALL.**

(a) DOT cylinders, DOT Specification portable tanks or other approved portable tanks containing liquefied flammable gases may be transported under deck, provided the following requirements are met:

(1) The cargo space shall be provided with efficient means of ventilation, be protected from artificial heat, and be readily accessible from hatches.

(2) Containers shall be stored in such a position that the safety relief device is in communication with the vapor space of the container. They shall be properly stowed, dunnaged, and secured to prevent movement in any direction.

(3) Unless a method acceptable to the Commandant is used, the containers shall not be overstowed in the same dry cargo space with other liquefied flammable gas containers, nor with other cargo.

(4) The containers shall be suitably protected against physical damage from other cargo, ship's stores, or equipment in such spaces.

(5) Cylinders shall have their valves protected at all times by one of the following methods:

(i) By metal caps securely attached to the cylinders and of sufficient strength to protect the valves from injury.

(ii) By having the valves recessed into the cylinders or otherwise protected so that they will not be subject to a blow if the cylinder is dropped on a flat surface.

(6) Portable tanks shall have their valves protected at all times by a housing in accordance with the requirements under which they were manufactured.

(7) Electrical circuits in the cargo spaces must meet the hazardous area requirements in subchapter J (Electrical Engineering Regulations) of this chapter. If an electrical circuit does not meet those requirements, it must be deenergized by a positive means and not reenergized until the cargo has been removed and the space has been tested and found free of flammable vapor.

(8) During the stowage of portable cylinders or portable tanks in a hold or compartment that is not fitted with electrical fixtures meeting the hazardous area requirements of subchapter J (Electrical Engineering Regulations) of this chapter, portable lights must not be used within the space unless the portable lights are explosion-proof. Electrical connections for portable lights must be made from outlets on the weather deck. Hand flashlights used in the stowage area must be explosion-proof.

(9) The following dangerous cargoes shall not be stowed in the same hold or compartment with liquefied flammable gas containers:

(i) Division 1.1, 1.2, 1.3, or 1.4 (explosive) materials, as defined in 49 CFR 173.50.

(ii) Flammable solids.

(iii) Oxidizing materials.

(iv) Corrosive liquids.

(v) Poisonous articles.

(vi) Cotton and similar fibrous materials.

[CGFR 66-33, 31 FR 15269, Dec. 6, 1966, as amended by CGFR 68-32, 33 FR 5714, Apr. 12, 1968; CGD 74-125A, 47 FR 15231, Apr. 8, 1982; CGD 92-050, 59 FR 39666, Aug. 5, 1994]

**§ 38.01-3 Incorporation by reference.**

(a) Certain standards and specifications are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the ones listed in paragraph (b) of this section, notice of change must be published in the FEDERAL REGISTER and the material made available to the public. All approved material is on file at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). All material is available from the sources indicated in paragraph (b) of this section.

(b) The standards and specifications approved for incorporation by reference in this part, and the sections affected, are:

*American Society for Nondestructive Testing (ASNT)*

4153 Arlingate Road, Caller #28518, Columbus, OH, 43228-0518

ASNT "Recommended Practice No. SNT-TC-1A (1988), Personnel Qualification and Certification in Non-destructive Testing".....38.25-3(c)(2)

*American Society of Mechanical Engineers (ASME) International*

Three Park Avenue, New York, NY 10016-5990

ASME Boiler and Pressure Vessel Code Section V, Nondestructive Examination (1986) .....38.25-3(a)(1)

*American Society for Testing and Materials (ASTM)*

100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

ASTM D 4986-98, Standard Test Method for Horizontal Burning Characteristics of Cellular Polymeric Materials.....38.05-20

[CGD 85-061, 54 FR 50962, Dec. 11, 1989, as amended by USCG-1999-6216, 64 FR 53224, Oct. 1, 1999; USCG-1999-5151, 64 FR 67177, Dec. 1, 1999]

**§ 38.01-5 Certificate of inspection—TB/ALL.**

(a) The certificate of inspection shall be endorsed for the carriage of liquefied flammable gases as follows: